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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Applicati n Number	09/496.249	
	Filing Date	02 FEBRUARY 2000	
	First Named Inventor	HORWARTH	
	Group Art Unit	2857	
	Examiner Name	WEST. J.	
Total Number of Pages in This Submission	95	Attorney Docket Number	CIN-0002-US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): applicants' cover letter (1 sheet), auth to charge dep acct (2 sheets), copy of resp filed 28 Feb 02 (84 sheets), postcard (1 sheet)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Daniel C. Stelter Counsel for Applicant(s) Registration No. 40,830
Signature	
Date	08 November 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>08 Nov 2002</u>	
Typed or printed name	Daniel C. Stelter, Registration No. 40,830
Signature	Date 08 November 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 400.00

Complete if Known

Application Number	09/496,249
Filing Date	02 FEBRUARY 2000
First Named Inventor	HORWARTH
Examiner Name	WEST, J.
Group Art Unit	2857
Attorney Docket No.	CIN-0002-US

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-0760
Deposit Account Name: CINCINNATI MACHINE

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims: -20** = X =
Independent Claims: -3** = X =
Multiple Dependent: =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	400.00
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 400.00

SUBMITTED BY

Name (Print/Type)	Daniel C. Stelter	Registration No. (Attorney/Agent)	40,830	Telephone	513.841.7032
Signature		Date	08 Nov 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

2857

Cincinnati Machine

A **UNOVA** Company

08 November 2002

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

4701 Marburg Avenue
Cincinnati, Ohio 45209
513.841.7032 telephone
513.841.7020 facsimile
dan_stelter@cinmach.com

I hereby certify that a true and accurate copy of the correspondence listed below is being deposited with the U.S. Postal Service in an envelope addressed to the Honorable Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231, for first-class mail delivery, postage pre-paid, on this the 08th day of November, 2002.



Daniel C. Stelter, Registration No. 40,830

Honorable Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

RE: RESPONSE TO OFFICE ACTION

Applicants : HORWARTH, HOWARD

**Title : APPARATUS AND METHOD FOR MONITORING ALIGNMENT OF
A CNC MACHINE SPINDLE TRUNION AXIS A**

Serial No. : 09/496,249

Filed on : 02 February 2000

Our Ref. : CIN-0002-US

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TECHNOLOGY CENTER 2800

Dear Commissioner:

Enclosed herewith for filing, please find the following:

1. Transmittal After Filing, Form PTO/SB/21, 1 sheet;
2. Fee Transmittal, Form PTO/SB/17; 1 sheet;
3. Response to Office Action, 3 sheets;
4. Request for Extension of Time Under 37 C.F.R. § 1.136(a), 2 sheets;
5. Authorization to Charge Deposit Account, 2 sheets;
6. Replacement Copy of Reply/Election filed by Applicants on 28 February 2002, 84 sheets; and,
7. a self-addressed, postage pre-paid, return-receipt postcard.

Please stamp the enclosed postcard and return it to us to indicate your receipt of the above-referenced documents. Thank you for your assistance in this matter.

With kindest regards,



Daniel C. Stelter
Counsel for Applicants
Registration No. 40,830



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C., UNITED STATES OF AMERICA

#8/Electronic
Horwarth
NOV 14 2002
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TECHNOLOGY CENTER 2000

In re Application of:

Applicant(s): **HORWARTH, et al.**

Serial No.: **09/496,249**

Filing Date: **02 February 2000**

Entitled: **APPARATUS AND METHOD FOR
MONITORING ALIGNMENT OF A CNC
MACHINE SPINDLE TRUNNION AXIS A**

Examiner: **WEST, J.**

Our File Ref.: **CIN-0002-US**

Group Art Unit: **2857**

**RESPONSE TO OFFICE ACTION AND RESUBMISSION
OF REPLY TO OFFICE ACTION/ELECTION OF INVENTION**

Honorable Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Commissioner:

Now come Applicants, by counsel, and in response to the Office Action mailed on 21 August 2002, respectfully submit the following response thereto. A Petition for a Two-Month Extension of Time Under 37 C.F.R. § 1.136(a) is respectfully submitted herewith, together with an Authorization to Charge Applicants' Deposit Account in the amount of \$400 for payment of the fee therefor.

The undersigned hereby certifies that a true and accurate copy of the within "Response to Office Action And Resubmission Of Reply To Office Action/Election Of Invention" is being deposited with the U.S. Postal Service in an envelope addressed to the Honorable Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231, for first-class mail delivery, postage pre-paid, on this 08th day of November, 2002.

The present Office Action is to make of-record Applicants' Reply to Restriction Requirement and Election

of Invention for Examination, which Applicants filed on 28 February 2002 but which was never received (or only received partially) by the Examiner. At the Examiner's oral request during a telephonic interview with Applicants' counsel on 13 August 2002, Applicants' that day resubmitted the aforementioned Reply/Election by facsimile transmission. Shortly thereafter, the Examiner contacted Applicants' counsel and stated that because Applicants' facsimile resubmission of the aforementioned was not in response to an Office Action of-record, that the present Office Action would be mailed and that Applicants' should supply a complete copy of the papers submitted on 28 February 2002. Applicants respectfully submit herewith a complete and accurate copy of the papers submitted on 28 February 2002, including:

1. Transmittal After Filing, Form PTO/SB/21, 1 sheet;
2. Fee Transmittal, Form PTO/SB/17; 1 sheet;
3. Reply to Restriction Requirement, 2 sheets;
4. Request for Extension of Time Under 37 C.F.R. § 1.136(a), 2 sheets;
5. Authorization to Charge Deposit Account, 2 sheets;
6. Supplemental Information Disclosure Statement Submitted Pursuant to 37 C.F.R. 1.97(b)(3), 1 sheet, with a copy of the references cited therein;
7. Replacement Copy of reference cited in Applicants' Information Disclosure Statement filed on 02 February 2000; and,
8. a self-addressed, postage pre-paid, return-receipt postcard.

Applicants also submit herewith a Request for a Two Month Extension of Time Under 37 C.F.R. § 1.136(a) in which to file a Response to the present Office Action dated 21 August 2002. Applicants respectfully draw the Examiner's attention to the fact that their 28 February 2002 Reply/Extension also included a Request for a Two Month Extension of Time under 37 C.F.R. § 1.136(a) in which to file a response to the original Restriction Requirement dated 31 December 2001. To the extent that it is necessary, Applicants' reaffirm their original request for an extension of time (copy included herewith) and the authorization to charge deposit account 50-0760 (copy included herewith), which was filed therewith for the purpose of paying the fee therefor.

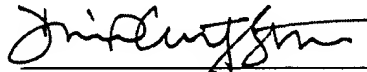
Having fully responded to the matters raised in the present Office Action, Applicants' respectfully submit that the present application is in a condition for allowance and respectfully request that the Examiner pass the

present case on to allowance without further delay. However, if the Examiner should believe that unresolved matters are present, Applicants respectfully request that the Examiner contact Applicants' undersigned counsel, who can be reached by telephone or email at the stated numbers and/or addresses.

Respectfully submitted,

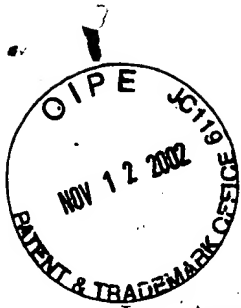
WILLIAM A. HORWARTH, Applicant
WALTER S. HOWARD, Applicant

Date: 08 November 2002



Daniel C. Stelter, Reg. No. 40,830
Counsel for Applicants

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C., UNITED STATES OF AMERICA

In re Application of:

Applicant(s): **HORWARTH, et al.**

Serial No.: **09/496,249**

Filing Date: **02 February 2000**

Entitled: **APPARATUS AND METHOD FOR
MONITORING ALIGNMENT OF A
CNC MACHINE SPINDLE
TRUNNION AXIS A**

Examiner: **WEST, J.**

Our File Ref.: **CIN-0002-US**

Group Art Unit: **2857**

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Honorable Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Commissioner:

Now come Applicants, by counsel, and hereby respectfully request the U.S. Patent and Trademark Office to charge Applicants' deposit account no. 50-0760 in the amount of \$400.00 for payment of the fee for a two-month extension of time under 37 C.F.R. § 1.136(a). Applicants request any overpayment be credited to the deposit account listed above.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

The undersigned hereby certifies that a true and accurate copy of the within "Authorization to Charge Deposit Account" is being deposited with the U.S. Postal Service in an envelope addressed to the Honorable Commissioner for Patents, United States Patent and

Trademark Office, Washington, D.C. 20231, for first-class mail delivery, postage pre-paid, on
this the 08th day of November, 2002.

Respectfully submitted,

WILLIAM A. HORWARTH, Applicant
WALTER S. HOWARD, Applicant

Date: 08 November 2002



Daniel C. Stelter, Reg. No. 40,830
Counsel for Applicants

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☒ Patent
☐ Trademark

Serial No.: 09/496,249

filed on 02 FEB 2000

granted on

Docket Ref.:
CIN-0002-US

Applicant: HORWARTH, et al.

Title/Mark: APPARATUS AND METHOD FOR MONITORING ALIGNMENT OF A CNC ...

Received the Submission Of:

Certificate of Mailing Under 37 C.F.R. § 1.8

dated 28 FEB 2002

Label No.

1. Transmittal After Filing, Form PTO/SB/21, 1 sheet;
2. Fee Transmittal, Form PTO/SB/17; 1 sheet;
3. Reply to Restriction Requirement, 2 sheets;
4. Request for Extension of Time Under 37 C.F.R. § 1.136(a), 2 sheets;
5. Authorization to Charge Deposit Account, 2 sheets;
6. Supplemental Information Disclosure Statement Submitted Pursuant to 37 C.F.R. 1.97(b)(3), 1 sheet, with a copy of the references cited therein;
7. Replacement Copy of reference cited in Applicants' Information Disclosure Statement filed on 02 February 2000

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☒ Patent
☐ Trademark

Serial No.: 09/496,249

filed on 02 FEB 2000

granted on

Docket Ref.:
CIN-0002-US

Applicant: HORWARTH, et al.

Title/Mark: APPARATUS AND METHOD FOR MONITORING ALIGNMENT OF A CNC ...

Received the Submission Of:

Certificate of Mailing Under 37 C.F.R. § 1.8

dated 28 FEB 2002

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7. Replacement Copy of reference cited in Applicants' Information Disclosure Statement filed on 02 February 2000

CINCINNATI MACH.

MAR 25 2002

REC'D PAT. DEPT.

